

Sub:- Pensions—I&CAD Department – Sri BDV Kumar, I/c CE (DoB: 20.6.1952) retired on 30.6.2010 A.N. - No charge certificate – Regarding.

Ref: From the ENC (AW), I&CAD Department, Hyderabad Letter No.Rc/ENC/F3/4928/2010, Dated 15.9.2010.

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Please see the letter received from the E.N.C.(AW) at page 1 c.f.

The E.N.C.(AW) has stated that Sri BDV Kumar, I/c CE retired from service on attaining the age of superannuation on 30.6.2010 A.N. and pension papers of the above officer were sent to the A.G., A.P(A&E), Hyderabad for issuing pension verification report in the first instance duly requesting not to release any pensionary benefits till the other certificate regarding charges if any pending, no dues outstanding and last pay certificate etc. are furnished by his office.

The E.N.C.(AW) has further stated that there are charges pending against above I/c CE Sri BDV Kumar, I/c CE and while he was working as CTE, AP Secretariat, Hyderabad placed under suspension pending disciplinary proceedings against him in GO Rt.No.1822, I&CAD (Ser.VII (V&E.A1) Dept, Dt: 1.12.2009 with allegations of irregularities in certain works taken up under SRSP-1, and further orders of Govt. are awaited. Later in GO Rt.No.636, I&CAD Dept, Dt: 9.6.2010 Articles of charges were issued in connection with the irregularities in works taken up note as on grant SRSP Stage-I during the years 200708 and 2009-10.

The ENC (AW) has further stated that if any charges pending at Govt. level necessary specific orders of withholding pensionary benefits may be issued as per Rule 9 of APRP Rules, 1980 to the AG direct under intimation to his office. He has also furnished the incumbency particulars of the retired officer which may kindly be perused on page 1 c.f.

In view of the above position, it is for orders whether the file may be sent to Services.IV/ Services.VI/ Services VII/ Services X Sections with a request to verify and indicate the pendency of any disciplinary cases and the present stage thereof, against Sri BDV Kumar, I/c CE retired from service on 30.6.2010, for taking further necessary action in the matter.

Submitted for orders.

Ser.IV

Ser.VI

Ser.VII

Ser.X

Please see the note at pages 1-2 ante and the NIL report furnished by Ser.IV / Ser.VI and Ser.X Section at page 2 ante. However, the Ser.VII Section has indicated that charges are pending against Sri BDV Kumar, I/c CE (Rtd).

In this connection, it is submitted that Sri BDV Kumar, I/c CE was placed under suspension vide GO Rt.No.1822, I&CAD (Ser.VII) Dept, Dt: 1.12.2009 and accordingly he was relieved on 7.12.2009. He was receiving 50% of the salary as subsistence allowance in accordance with FR 53 from 8.12.2009. Therefore he has requested to enhance subsistence allowance from 50% to 75% in accordance with FR 53 as he is facing troubles to meet the expenditure and the period of three months also has been completed by 7.3.2010.

The I&CAD (Ser.VII) Dept, who were consulted then, has stated that **the DG (V&E) has recommended to initiate stringent disciplinary action and criminal prosecution on Sri B.D.V. Kumar, I/c CE** for the irregularities committed as indicated at para 5 on page 2 ante. The officer was placed under suspension vide GO Rt.No.1822, I&CAD (Ser.VII) Dept, Dt: 1.12.2009 and it may take considerable time for initiation of departmental action for certain administrative reasons.

While stating the above, they have requested this section to take action on the request of the individual for enhancement of subsistence allowance from 50% to 75% in terms of Rule 53 (1) (a) (i) of the Fundamental Rules.

The Rule 53 (1) (a) (i) of the Fundamental Rules is as follows :

(a) a subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary;

Provided that where the period of suspension exceeds (three months), the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows :

*(i) **the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government Servant.***

After examining the issue in detail, it has been decided that since there is prima-facie against Sri BDV Kumar, I/c CE involving an

element of moral turpitude, not to agree to his request for enhancing provisional pension, at this juncture.

In this connection, it is submitted that provisional pension has to be sanctioned to the retired employee where departmental or judicial proceedings are pending against him under Rule 52 of APRP Rules, 1980. However, further instructions were issued in GO Ms.No.1097, Fin & Plg. (FW.Pen.I) Dept, Dt: 22.6.2000, as follows :

“Provisional pension:

1. As per sub-rule (4) of rule 9 of Andhra Pradesh Revised Pension Rules, 1980, the retired employee mentioned in the above cases shall be sanctioned provisional pension as provided in rule 52 of the said rules. According to rule 52 of the said rules, the Audit Officer / Head of office shall pay the provisional pension not exceeding the eligible pension. The provisional pension shall be paid from the date of retirement to the date on which, final orders are passed by the competent authority on conclusion of the departmental or judicial proceedings pending against the retired employee. **The provisional pension shall not be less than 75% of the normal pension entitlement.”**

In view of the above, it is submitted for consideration and orders on the following :

- (i) Whether Sri BDV Kumar, I/c CE retired on 30.6.2010 on superannuation may be sanctioned 75% of his normal admissible pension as Provisional Pension, duly withholding all other pensionary benefits, till finalization of the disciplinary case pending against him ;

OR

- (ii) A decision may be taken on the quantum of provisional pension to be sanctioned to Sri BDV Kumar, I/c CE (Rtd) keeping in view of the remarks of the Ser.VII Section.

Submitted for orders.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - I & CAD Department - A.P. Engineering Service -
Sri B.D.V.Kumar, Incharge Chief Engineer, Retired on 30.6.2010
A.N. - Sanction of Provisional Pension - Orders - Issued.

IRRIGATION & CAD (SER.II) DEPARTMENT

G.O.Rt.No.
11.2010.

Dated

Read the following :

From the ENC (AW), I&CAD Department, Hyderabad Letter
No.Rc/ENC/F3/4928/2010, Dated 15.9.2010.

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ORDER:

In the circumstances reported by the Engineer-in-Chief (AW) Irrigation & CAD Department, Hyderabad, in his letter read above, Government after careful examination of the proposal, hereby, accord sanction for payment of provisional pension under Rule 52 of A.P.Revised Pension rules, 1980, to Sri B.D.V.Kumar, Incharge Chief Engineer, retired from service on 30.6.2010 A.N to an extent of 75% (Seventy five percent only) of the superannuation pension to which he would have been eligible, pending finalization of the disciplinary proceedings instituted against him.

2. The payment of entire DCRG admissible to the above retired in-charge Superintending Engineer shall be withheld till the final orders in the disciplinary case pending against him are issued.

3. The Engineer-in-Chief (AW) I & CAD Department, Hyderabad shall take necessary action accordingly.

To

The individual through the Engineer-in-Chief (AW) I & CAD Department, Hyderabad.

The Engineer-in-Chief (AW) I & CAD Department, Hyderabad.
Copy to the Accountant General (A&E) Andhra Pradesh, Hyderabad.

The I & CAD (Ser.X) Department, for information.
SF/SC.